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# A BILL FOR AN ACT

RELATING TO THE CIVIL PROCESS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1.   Section 607-4, Hawaii Revised Statutes, is  
2 amended by amending subsection (d) to read as follows:

3       "(d)   Fees of sheriff, deputy sheriff, police officer, or  
4 independent civil process server from the department of public  
5 safety's list under section 353C-10:

6       (1)   For serving any criminal summons, warrant, attachment,  
7           or other criminal process, \$30 effective July 1, 2001.

8       This fee is payable to a sheriff, deputy sheriff, or  
9       police officer.   Service of criminal summons, warrant,  
10      attachment, or other criminal process shall be made  
11      only by persons authorized to serve criminal summons.

12      (2)   For serving any civil summons, warrant, attachment, or  
13      other civil process, [~~\$25~~] \$65 effective July 1,  
14      [~~2001.~~] 2015.

15      (3)   For every copy of an attachment and inventory of the  
16      property attached, served upon the defendant, [~~\$2.~~]  
17      \$4.



- 1 (4) For serving any execution, [~~12~~] 16 cents for every \$1  
2 collected up to \$500, and [~~7~~] 10 cents for every \$1  
3 over \$500.
- 4 (5) For serving: subpoena, [~~\$25;~~] \$40; and subpoena duces  
5 tecum or garnishee summons, [~~\$15~~] \$40 effective  
6 July 1, [~~2001;~~] 2015.
- 7 (6) For every mile of travel, more than one, in serving  
8 any process, [~~40~~] 80 cents; provided that:
- 9 (A) No allowance shall be made where the serving  
10 individual uses a conveyance furnished the  
11 serving individual by the State, or any political  
12 or municipal subdivision thereof;
- 13 (B) Where the serving individual serves more than one  
14 person in the course of one trip, the serving  
15 individual shall not charge, in the aggregate for  
16 all services, more than the mileage for the  
17 entire trip; and
- 18 (C) As far as practicable, in order to minimize the  
19 mileage fees for the service, the sheriff or  
20 police chief of the serving police officers, or  
21 independent civil process servers, where service



1 of process is to be made upon an island other  
2 than that upon which is situated the court  
3 issuing the process, shall cause the process to  
4 be transmitted to the sheriff, deputy sheriff,  
5 the chief of police, a police officer, or an  
6 independent civil process server upon the island  
7 of service, who shall make the service upon  
8 receipt of the process; and the service shall be  
9 valid, notwithstanding that the process may not  
10 be addressed to the individual actually making  
11 the service or to the individual's superior.

12 In lieu of any fee under this subsection, the fee may be an  
13 hourly rate of not less than [~~\$50~~] \$75 per hour agreed upon in  
14 advance between the party requesting the service and the  
15 sheriff, deputy sheriff, police officer, or independent civil  
16 process server performing the service."

17 SECTION 2. Section 607-8, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19 "(a) For all necessary travel in making the service, per  
20 mile for every mile more than one... [~~40~~] 60 cents provided that:



- 1 (1) No allowance shall be made where the serving  
2 individual uses a conveyance furnished the serving  
3 individual by the State, or any political or municipal  
4 subdivision thereof;
- 5 (2) Where the serving individual serves more than one  
6 person in the course of one trip, the serving  
7 individual shall not charge, in the aggregate for all  
8 services more than the mileage for the entire trip;  
9 and
- 10 (3) As far as practicable, in order to minimize the  
11 mileage fees for the service, the sheriff or chief of  
12 police of the serving police officers, or independent  
13 civil process server from the department of public  
14 safety's list under section 353C-10 shall cause the  
15 process to be transmitted to the sheriff, deputy  
16 sheriff, the chief of police, a police officer, or an  
17 independent civil process server upon the island of  
18 service who shall make the service upon receipt of the  
19 process; and the service shall be valid,  
20 notwithstanding that the process may not be addressed



1 to the individual actually making the service or to  
2 the individual's superior.

3 For serving criminal summons or any other criminal process  
4 except a subpoena, for each person served therewith  
5 ..... \$30 effective July 1, 2001. Service of  
6 criminal summons or any other criminal process shall be made  
7 only by persons authorized to serve criminal summons.

8 For serving civil summons or any other civil process,  
9 except a subpoena or a garnishee summons, for each person  
10 served therewith ..... [~~\$25~~] \$40 effective  
11 July 1, [~~2001-~~] 2015.

12 For serving: subpoena, [~~for each person, \$25, and~~]  
13 subpoena duces tecum, or garnishee summons, for each  
14 person ..... [~~\$15~~] \$40 effective July 1,  
15 [~~2001-~~] 2015.

16 For returning as unserved after due and diligent search any  
17 process when it has been found that the person to be served has  
18 left the State ..... [~~\$5~~] \$10 effective July 1,  
19 [~~2001-~~] 2015.

20 For serving any execution or other process for the  
21 collection of money, for every dollar collected up



1 to \$1,000 ..... [5] 9 cents.

2 And for every dollar over \$1,000 ... [~~2-1/2~~] 5 cents.

3 All fees paid to any printer for publishing an

4 advertisement of the sale of any property.

5 For every bill of sale ..... [~~\$2-~~] \$4.

6 For executing and acknowledging a deed pursuant to a

7 sale of real estate to be paid by the grantee in the

8 deed..... [~~\$8-~~] \$10.

9 For drawing any bond required by law..... [~~\$2-~~] \$4.

10 For serving writ of possession or restitution,

11 putting any person entitled into the possession of

12 premises, and removing a tenant pursuant to order of

13 court..... [~~\$25-~~] \$40.

14 Together with all necessary expenses incurred by the

15 individual serving the writ, incident to the eviction.

16 For selling any property on an order from the court other

17 than an execution, the same allowance as for service and sales

18 by execution.

19 The fees for service of executions, attachments, and

20 collection of judgments, together with all costs incurred after

21 judgment rendered, not included in the judgment, in all courts



1 of the State, shall be collected in addition to the sum directed  
2 to be levied and collected in the writ.

3 In lieu of any fee under this subsection, the fee may be an  
4 hourly rate of not less than [~~\$50~~] \$75 per hour agreed upon in  
5 advance between the party requesting the service and the  
6 sheriff, deputy sheriff, police officer, or independent civil  
7 process server performing the service."

8 SECTION 3. This Act does not affect rights and duties that  
9 matured, penalties that were incurred, and proceedings that were  
10 begun before its effective date.

11 SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on June 29, 2015;  
14 provided that the amendments made to sections 607-4(d) and 607-  
15 8(a), Hawaii Revised Statutes, under sections 1 and 2 of this  
16 Act, shall not be repealed when those sections are reenacted on  
17 June 30, 2015, pursuant to section 25 of Act 116, Session Laws  
18 of Hawaii 2013.



**Report Title:**

Service of Civil Process Fees

**Description:**

Increases service of civil process fees. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

